

# **EXHIBIT A**

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008<sup>1</sup>**

**NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM**

August 3, 2010

Chloe Frances Chais 1994 Trust  
c/o Michael Swartz  
Hennigan, Bennett & Dorman, LLP  
865 South Figueroa Street, Suite 2900  
Los Angeles, CA 90017

Dear Chloe Frances Chais 1994 Trust:

**PLEASE READ THIS NOTICE CAREFULLY.**

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claims on BLMIS Account No. 1C1212 designated as Claim Number 6138 and Claim Number 13789 (the latter of which is duplicative of Claim Number 6138) and combined ("Combined Claim") for purposes of this determination. This letter shall serve as the Trustee's determination with respect to the Combined Claim:

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<sup>1</sup> Section 78111(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78111(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

Your Combined Claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$1,097,396.00), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$180,468.62). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in settling your allowed claim.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$916,927.38) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

**On March 1, 2010, the United States Bankruptcy Court for the Southern District of New York (Lifland, J.) issued a decision which affirmed the Trustee's Net Investment Method for determining customer claims. The final resolution of this issue is expected to be determined on appeal.**

**Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.**

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after August 3, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, New York 10004

and

Irving H. Picard, Trustee  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111



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Irving H. Picard

Trustee for the Liquidation of the Business of  
Bernard L. Madoff Investment Securities LLC

DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
3/9/1994	CHECK	\$10,000.00	\$10,000.00
3/9/1994	CHECK	\$10,000.00	\$10,000.00
12/26/1995	TRANS FROM CHAIS FAMILY TST 2	\$20,000.00	\$20,000.00
12/23/1996	CHECK	\$20,000.00	\$20,000.00
1/7/1997	CHECK	\$20,000.00	\$20,000.00
1/5/1998	CHECK	\$20,100.00	\$20,100.00
1/4/1999	TRANS FROM CHAIS 91 FAM TST 2	\$20,100.00	\$20,100.00
1/3/2000	TRANS FROM CHAIS 91 FAM TST	\$20,000.00	\$20,000.00
1/2/2001	TRANS FROM 1C101730	\$20,000.00	\$0.00
1/9/2002	TRANS FROM 1C101730	\$22,000.00	\$5,068.62
1/9/2003	CHECK	\$22,000.00	\$22,000.00
1/9/2004	TRANS FROM 1C101730	\$22,000.00	\$13,200.00
1/11/2005	TRANS FROM 1C101730	\$22,000.00	\$0.00
1/3/2006	TRANS FROM 1C101730	\$24,000.00	\$0.00
1/2/2007	TRANS FROM 1C101730	\$24,000.00	\$0.00
1/2/2008	TRANS FROM 1C101730	\$24,000.00	\$0.00
<b>Total Deposits:</b>		\$320,200.00	\$180,468.62
DATE	TRANSACTION DESCRIPTION	AMOUNT	ADJUSTED AMOUNT
4/5/1995	CHECK	(\$596.00)	(\$596.00)
4/4/1996	CHECK	(\$6,689.00)	(\$6,689.00)
3/25/1997	CHECK	(\$4,831.00)	(\$4,831.00)
5/2/1997	TRANS TO 1C101830	(\$20,000.00)	(\$20,000.00)
4/13/1999	CHECK WIRE	(\$3,427.00)	(\$3,427.00)
4/10/2000	CHECK	(\$273.00)	(\$273.00)
4/8/2003	CHECK	(\$115,705.00)	(\$115,705.00)
3/28/2005	CHECK	(\$322,360.00)	(\$322,360.00)
4/11/2006	CHECK	(\$191,644.00)	(\$191,644.00)
4/5/2007	CHECK	(\$350,297.00)	(\$350,297.00)
3/31/2008	CHECK	(\$81,574.00)	(\$81,574.00)
<b>Total Withdrawals:</b>		(\$1,097,396.00)	(\$1,097,396.00)
<b>Total deposits less withdrawals:</b>		(\$777,196.00)	(\$916,927.38)

## **EXHIBIT B**

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

CHLOE FRANCIS CHAIS 1994 TRUST

PERIOD ENDING  
**11/30/08**

PAGE  
**1**

YOUR TAX PAYER IDENTIFICATION NUMBER  
\*\*\*\*\*8039

YOUR ACCOUNT NUMBER  
1-C1212-3-0

DATE	BOUGHT RECEIVED ON LONG	SOLD DELIVERED OR SHORT	TEN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT CREDITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
11/03				BALANCE FORWARD			
11/18				CVS CAREMARK CORP DIV 10/21/08 11/03/08	DIV		691.38
11/18	50,000	1,200	78183 78239	BIDGEN IDEC INC U S TREASURY BILL DUE 5/14/2009	46.620 99.661		55,944.00
11/24				GOLDMAN SACHS GROUP INC DIV 10/27/08 11/24/08	DIV		315.00
11/28	7,120		79206	FIDELITY SPARTAN U S TREASURY MONEY MARKET	1	7,120.00	
				NEW BALANCE			
				SECURITY POSITIONS	MKT PRICE		
	2,000			ALTRIA GROUP INC	16.080		
	10,020			CVS CAREMARK CORP	28.930		
	900			GOLDMAN SACHS GROUP INC	78.990		
	2,000			HABITURTON CO	17.600		
	1,384			KRAFT FOOD INC	27.210		
	116,368			FIDELITY SPARTAN U S TREASURY MONEY MARKET	1		
	1,525,000			U S TREASURY BILL DUE 2/12/2009	99.992		
				CONTINUED ON PAGE 3			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

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**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

CHLOE FRANCIS CHAIS 1994 TRUST

RECORD NUMBER: 11/30/08  
PAGE: 2  
YOUR ACCOUNT NUMBER: 1-C1212-3-0  
YOUR TAX PAYER IDENTIFICATION NUMBER: \*\*\*\*\*8039

DATE	BOUGHT RECEIVED OR LOAN	SOLD DELIVERED OR SECUR	TYPE	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
	2,675,000			U S TREASURY BILL DUE 02/19/2009	99.986		
	550,000			U S TREASURY BILL DUE 3/12/2009	99.971		
	350,000			U S TREASURY BILL DUE 4/02/2009	99.969		
	3,100,000			U S TREASURY BILL DUE 04/09/2009	99.945		
	50,000			U S TREASURY BILL DUE 5/14/2009	99.828		
				MARKET VALUE OF SECURITIES LONG 8,000,000.34			
				SHORT			

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**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

CHLOE FRANCIS CHAIS 1994 TRUST

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1-C1212-3-0  
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DATE	BOUGHT RECEIVED ON LONG	SELL RECEIVED ON SHORT	TERM	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDITED TO YOUR ACCOUNT
				YEAR-TO-DATE SUMMARY			
				DIVIDENDS		40,775.33	92,207.42
				MARGIN INTEREST			
				GROSS PROCEEDS FROM SALES			11,688,785.30

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES